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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,575	03/29/2001	Akira Hirai	1232-4697	2867
27123	7590	11/06/2003	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 345 PARK AVENUE NEW YORK, NY 10154			BARBER, THERESE	
			ART UNIT	PAPER NUMBER
			2882	

DATE MAILED: 11/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/820,575

Applicant(s) **AK**

HIRAI, AKIRA

Examiner

Therese Barber

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 37-69 is/are pending in the application.
- 4a) Of the above claim(s) 57-60 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 37-56 is/are allowed.
- 6) ☒ Claim(s) 61-69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☒ Interview Summary (PTO-413) Paper No(s). 11
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 61-69 are rejected under 35 U.S.C. 102(b) as being anticipated by Griesmer et al. (USPN 5,379,335).

3. Regarding claim 61, Griesmer discloses an imaging apparatus comprised of an image sensing unit adapted to sense an electromagnetic wave image of a subject using the electromagnetic wave (col. 5, lines 9-15); a storage device (22; col. 5, lines 2-3) adapted to store a state holding time of the image sensing unit, the state holding time includes at least one of an initialization time, signal accumulation time and read out time of the signal of the image sensing unit (col. 5, line 62 to col. 6, line 5); an image sensing condition instructing device adapted to input an information relating to the image sensing condition (col. 5, lines 56-62); a controller (26) adapted to read out the state holding time of the image sensing unit stored in the storage device on the basis of information relating to the image sensing condition inputted by the image sensing condition instructing device (col. 5, line 62 to col. 6, line 21), and to control a state of the image sensing unit based on the state holding time of the image sensing unit (col. 5, lines 4-15; col. 5, line 53 to col. 6, line 21).

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4. Regarding claim 62, Griesmer discloses an imaging apparatus comprised of an irradiating unit adapted to irradiate an electromagnetic wave (col. 4, lines 64-66); an image sensing unit adapted to sense an electromagnetic wave image of a subject using the electromagnetic wave (col. 5, lines 9-15); a storage device (22; col. 5, lines 2-3) adapted to store a state holding time of the image sensing unit, the state holding time includes at least one of an initialization time, signal accumulation time and read out time of the signal of the image sensing unit (col. 5, line 62 to col. 6, line 5); an image sensing condition instructing device adapted to input an information relating to the image sensing condition (col. 5, lines 56-62); a controller (26) adapted to control the image sensing unit and the irradiating unit (col. 5, lines 4-5), wherein the controller reads out the state holding time of the image sensing unit stored in the storage device relating image sensing condition inputted by the image sensing condition instructing device (col. 5, line 62 to col. 6, line 21), and controls a state of the image sensing unit and a state of the irradiating unit with a predetermined relationship based on the state holding time of the image sensing unit (col. 5, line 53 to col. 6, line 21).

Regarding claim 63, Griesmer discloses an imaging apparatus having memory means (22) that are controlled by the system controller (26). Griesmer discloses having an irradiation delay time for the irradiating unit (col. 7, lines 5-22) and the controller determining a timing for generating a start signal of the initialization of the image sensing unit on the basis of the irradiation delay time and a timing for generating a irradiation permitting signal for the irradiating unit (col. 10, line 57 to col. 11, line 10).

Regarding claim 64, Griesmer discloses an imaging apparatus wherein the controller (26)

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determines the initialization time, a timing for generating a start signal of the initialization for the image sensing unit on the basis of the irradiation delay time (col. 5, lines 53-55 and col. 6, lines 7-15) and a timing for generating a irradiation permitting signal for the irradiating unit so that the start timing of the signal accumulation of the image sensing unit coincides with the start timing of the irradiation of the irradiating unit (col. 5, line 56 to col. 6, line 15).

Regarding claim 65, Griesmer discloses an imaging apparatus wherein the controller controls the signal accumulation of the image sensing unit starts after the irradiation of the irradiating unit started (col. 5, line 56 to col. 6, line 15).

Regarding claim 66, Griesmer discloses an imaging apparatus wherein the controller (26) control the irradiation time of the irradiating unit finishes on the basis of information relating to the start timing of the accumulation of the image sensing unit (col. 5, lines 56 to col. 6, line 21).

5. Regarding claim 67, Griesmer discloses an imaging apparatus comprised of an irradiating unit adapted to irradiate an electromagnetic wave (col. 4, lines 64-66); an image sensing unit adapted to sense an electromagnetic wave image of a subject using the electromagnetic wave (col. 5, lines 9-15); a grid driving unit (12) adapted to drive a grid (10) which is arranged in the path of the electromagnetic wave irradiated by the irradiating unit (col. 5, lines 9-12); a storage device (22; col. 5, lines 2-3) adapted to store a state holding time of the image sensing unit, the state holding time includes at least one of an initialization time, signal accumulation time and read out time of the signal of the image sensing unit (col. 5, line 62 to col. 6, line 5); an image sensing condition instructing device adapted to input an information relating to the image sensing condition (col. 5, lines 56-62); a controller (26) adapted to control the image sensing unit

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and the grid driving unit (col. 5, lines 4-15), wherein the controller reads out the state holding time of the image sensing unit stored in the storage device relating to the image sensing condition inputted by the image sensing condition instructing device (col. 5, line 62 to col. 6, line 21), and controls a state of the image sensing unit and a state of the grid driving unit with a predetermined relationship based on the state holding time of the image sensing unit (col. 5, lines 4-8; col. 5, line 53 to col. 6, line 21; col. 8, line 55 to col. 9, line 10).

6. Regarding claim 68, Griesmer discloses an imaging apparatus comprised of an irradiating unit adapted to irradiate an electromagnetic wave (col. 4, lines 64-66); an image sensing unit adapted to sense an electromagnetic wave image of a subject using the electromagnetic wave (col. 5, lines 9-15); a grid driving unit (12) adapted to drive a grid (10) which is arranged in the path of the electromagnetic wave irradiated by the irradiating unit (col. 5, lines 9-12); a storage device (22; col. 5, lines 2-3) adapted to store a state holding time of the image sensing unit, the state holding time includes at least one of an initialization time, signal accumulation time and read out time of the signal of the image sensing unit (col. 5, line 62 to col. 6, line 5); an image sensing condition instructing device adapted to input an information relating to the image sensing condition (col. 5, lines 56-62); a controller (26) adapted to control the image sensing unit and the grid driving unit (col. 5, lines 4-15), wherein the controller reads out the state holding time of the image sensing unit stored in the storage device relating to the image sensing condition inputted by the image sensing condition instructing device (col. 5, line 62 to col. 6, line 21), and controls a state of the image sensing unit, the state of the irradiating unit and a state of the grid driving unit with a predetermined relationship based on the state holding time of the

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image sensing unit (col. 5, lines 4-8; col. 5, line 53 to col. 6, line 21; col. 8, line 55 to col. 9, line 10).

Regarding claim 69, Griesmer discloses an imaging apparatus having memory means (22) that are controlled by the system controller (26). Griesmer discloses having an irradiation delay time for the irradiating unit (col. 7, lines 5-22), an initialization time of the grid driving unit (col. 7, lines 9-16) and the controller determining a timing for generating a start signal of the initialization of the image sensing unit, a timing for generating a irradiation permitting signal for the irradiating unit, and a start timing of the grid driving of the grid driving unit on the basis of the initialization time of the image sensing unit, the irradiation delay time, and the initialization of the grid driving unit (col. 10, line 57 to col. 11, line 10).

Response to Arguments

7. Applicant's arguments filed on 1 August 2003 have been fully considered but they are not persuasive.

Pursuant to the telephone interview on 29 October 2003, the examiner disagrees with the assertion that the memory means (22) is not controlled by the controller (col. 5, lines 2-9) and that there is a lack of control over a state of the image sensing unit (col. 5, lines 2-9; col. 5, line 53 to col. 6, line 21; col. 8, line 55 to col. 9, line 10). In addition, the examiner disagrees with the assertion that the memory means is not a storage device because it is known in the art that a memory means is technically any form of electronic storage, but most often memory means is used to identify fast, temporary forms of storage of electronic information.

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NOTE: The applicants have cancelled claims 57-60. Claims 37-56 have been allowed as set forth in the office action, mailed on 8 May 2003.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Therese Barber whose telephone number is (703) 306-0205. The examiner can normally be reached on Monday to Friday from 8:30 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Glick can be reached on (703) 308-4858. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-4857 for regular communications and (703) 308-7722 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4900.

tb 
November 3, 2003


EDWARD J. SLICK
SUPERVISORY PATENT EXAMINER